IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7030 of 2005

Between:

B. Yella Reddy, S/o Neela Reddy,
R/o Plot No. 23, Kranthinagar Colony, Karmanghat, Hyderabad.

..... PETITIONER

AND

The APSRTC, rep. by its Depot Manager, Midhani Depot, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the Respondents herein by issuing a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus by declaring the impugned Proceedings No,. P2/1(3)/2004-MDN, dt. 4-1-2005 of the Respondent herein as arbitrary, illegal and contrary to law and violation of APSRTC (CCA) Regulations and also violation of Articles 14 and 21 of the Constitution of India and set aside the impugned proceedings No. P2/1(3)/2004-MDN, dt. 4-1-2005 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.SRIDHAR RAO

Counsel for the Respondent No.: MR.V.T.M.PRASAD

The Court at the stage of admission made the following :

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ORAL ORDER:

This writ petition is filed challenging the impugned proceedings No.P2/1(3)/2004-MDN, dated 4.1.2005 of the respondent.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent and perused the material on record.

The learned counsel for the petitioner has contended that without there being any enquiry, the impugned proceedings have been passed which is contrary to the regulations. He has further contended that the charge framed is in respect of the petitioner's unauthorized absence for a particular period whereas, the finding arrived at by the respondent in the impugned proceedings is with regard to the unauthorized absence for a different period, and therefore, it suffers from serious legal infirmities.

On the other hand, the learned standing counsel for the respondent has contended that an alternative remedy of appeal is provided and the petitioner can as well avail such remedy.

It is not a case of violation of principles of natural justice nor is it not a case where the fundamental right of the petitioner has been infringed. Also, the petitioner has not challenged that the authority who passed the impugned order lacks jurisdiction. So, in the absence of any of the aforementioned grounds, the petitioner can avail the

alternative remedy of filing an appeal before the Divisional Manager.

In the result, the writ petition is disposed of directing the petitioner to file an appeal before the Divisional Manager. All the contentions raised in this writ petition are left open and such contentions shall have to be considered by the appellate authority in accordance with the regulations of the respondent-corporation. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

1st April, 2005

bcj

Note: Furnish copy in two days.

B/o

Bcj

To

1 The Depot Manager, APSRTC, Midhani Depot, Hyderabad.

2 Two C.D. Copies.